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THESIS

CHILE: CIVIL-MILITARY RELATIONS AND DEMOCRATIC CONSOLIDATION

by

Terence M. Ormsby

December 1998

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The purpose of this thesis is to analyze civil-military relations and democratic consolidation in Chile. It examines civil-military relations in Chile by using the eleven prerogatives of the military, as an institution in a democratic regime, and as defined by Alfred Stepan. From September 1973 until March 1990, the military in Chile, under General Augusto Pinochet, held the reins of power. Since March of 1990, Chile has been under civilian rule: Patricio Aylwin, 1990-1994; and Eduardo Frei Ruiz-Tagle, 1994-present. Although both Aylwin and Frei were elected directly by the voters, some scholars argue that Chile has not consolidated its democracy, due in large measure to the continuing influence and prerogatives of the Chilean military. The thesis is a single case study of Chile, viewed longitudinally from 1988 to 1998. The issue of civil-military relations in Chile is important because Chile has the most promising economy in Latin America and the fostering of democracy provides stability and security to support United States goals in the region. If the military prerogatives in Chile continue, democracy will not be fully consolidated. The thesis concludes that Chile has made significant strides since 1988 in achieving civilian authority over the military; as a result, the full consolidation of democracy is promising.

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CHILE: CIVIL-MILITARY RELATIONS AND DEMOCRATIC CONSOLIDATION

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Submitted in partial fulfillment of the
requirements for the degree of

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EXECUTIVE SUMMARY

In South America, Chile has had the longest tradition of democratically elected governments. The longest interruption of democracy in Chile's history was the military regime of General Augusto Pinochet. The thesis is an analysis of current civil-military relations in Chile. It examines eleven prerogatives of the military, as an institution in a democratic regime, and as defined by Alfred Stepan.

From September 1973 until March 1990, the military in Chile, under General Augusto Pinochet, held the reins of power. Since March of 1990, Chile has been under civilian rule: Patricio Aylwin, 1990-1994; Eduardo Frei Ruiz-Tagle, 1994-present. Although both Aylwin and Frei were elected directly by the voters, some scholars argue that Chile has not consolidated its democracy, due in large measure to the continuing influence and prerogatives of the Chilean military.

The first part of the thesis reviews the events leading to the overthrow of the socialist President Salvador Allende. The main factor in the demise of the socialist government was its inability to effectively deal with coalition politics and rampant inflation. This section also deals with the coup led by General Pinochet and the reforms

of his seventeen-year authoritarian government. The transition to democracy is examined from the plebiscite in 1988 to the Frei Ruiz Tagle government and the detention of General Pinochet in London for human rights violations in November 1998.

The thesis is a single case study of Chile, viewed longitudinally from 1988 to 1998. The body of the thesis reviews the military prerogatives in Chile during the Pinochet regime as compared to the military prerogatives of today. Numerous pieces of legislation were enacted during the Pinochet regime to ensure the strong position of the military in dealing with the successor elected civilian governments. The democratically elected governments of Aylwin and Frei have attempted to reduce the prerogatives of the military through legislation, but with limited success.

Finally, this thesis looks at the prospects for consolidation of democracy in Chile. It reviews the legacy of the military regime and the politics of coalition building in the Chilean party system. A key element to removing the vestiges of the military prerogatives in the elected government is to build a coalition to garner the votes necessary for constitutional change.

The issue of civil-military relations in Chile is important because Chile has the most promising economy in

Latin America and the fostering of democracy provides stability and security to support United States goals in the region. The thesis is also important because countries in the region (Argentina, Bolivia, Ecuador, Paraguay, Peru, Uruguay) and outside of the region have moved from military authoritarian rule to democracy. In each of those countries, the civilian control of the military is an issue that needs to be addressed in order to fully consolidate democracy. The Chilean case may have implications for these other cases.

The character of Chilean military prerogatives has changed from 1988 to 1998. The military no longer has as many high prerogatives as it had during the authoritarian regime of Pinochet. However, the Chilean military still retains many prerogatives that do not allow the civilian government full control of the military.

The thesis concludes that if the military prerogatives in Chile continue, democracy will not be fully consolidated. However, Chile has made significant strides since 1988 in achieving civilian authority over the military. As a result, the consolidation of democracy in Chile is promising.

I. INTRODUCTION

> It was obvious that Chile was headed for self-destruction, so the armed forces took over to defend our country's integrity.
>
> General Pinochet, 11 March 1998[1]

A. STATEMENT OF PURPOSE

In South America, Chile has had the longest tradition of democratically elected governments. The longest interruption of democracy in Chile's history was the military regime of General Augusto Pinochet. The thesis is an analysis of current civil-military relations in Chile. It examines eleven prerogatives of the military, as an institution in a democratic regime, and as defined by Alfred Stepan.

From September 1973 until March 1990, the military in Chile, under General Augusto Pinochet, held the reins of power. Since March of 1990, Chile has been under civilian rule: Patricio Aylwin, 1990-1994; and Eduardo Frei Ruiz-Tagle, 1994-present. Although both Aylwin and Frei were elected directly by the voters, some scholars argue that Chile has not consolidated its democracy, due in large measure to the continuing influence and prerogatives of the Chilean military.

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[1] *New York Times* (New York), 11 March 1998.

The first part of the thesis reviews the events leading to the overthrow of the socialist President Salvador Allende. The main factor in the demise of the socialist government was their inability to effectively deal with coalition politics and rampant inflation. This section also deals with the coup led by General Pinochet and the reforms of his seventeen year authoritarian government. The transition to democracy is examined from the plebiscite in 1988 to the current government and the detention of General Pinochet in London for human rights violations.

The thesis is a single case study of Chile, viewed longitudinally from 1988 to 1998. The body of the thesis compares the military prerogatives in Chile during the Pinochet regime with those of the military today. Numerous pieces of legislation were enacted during the Pinochet regime to ensure the strong position of the military in dealing with the future elected civilian governments. The two democratically elected governments have attempted to reduce the prerogatives of the military through legislation with limited success.

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B. BACKGROUND

President Salvador Allende in his first address to the Chilean Congress in 1971 stated, "The Chilean Armed Forces and the Carabineros, faithful to their duty and to their tradition of non-intervention in the political process, will support a social organization which corresponds to the will of the people as expressed in terms of the established Constitution."[2] The address by Salvador Allende was an

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[2] Regis Debray, *The Chilean Revolution: Conversations with Allende*, (New York: Pantheon Books, 1972), 172.

eerie foreshadowing of the changes that were to come to Chile during his presidency. The armed forces, led by General Augusto Pinochet, whom Salvador Allende trusted, would dismantle the long established democracy in Chile.

The Salvador Allende government had promised the destruction of large landholdings (latifundios) and of monopolies, a reform of the tax system, and the nationalization of banking and credit, as well as of foreign-owned industries and mines.[3] The Allende regime would seek to end the 'dependency' of Chile, as a nation on the periphery, on the United States. The major industries, such as copper were partly-owned or majority-owned by U.S. conglomerates. Chile possesses the largest copper reserves in the world, and copper is the most important natural resource to the Chilean economy.

The initial economic strategy of the Allende government was the nationalization of the copper industry and other major businesses. The Allende government, within weeks of taking office, was able to garner a unanimously-approved constitutional amendment to nationalize the copper mines.[4]

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[3] Paul E. Sigmund, *The Overthrow of Allende and the Politics of Chile, 1964-1976*, (Pittsburgh: University of Pittsburgh Press, 1977), 130.

[4] Nathaniel Davis, *The Last Two Years of Salvador Allende* (New York: Cornell University Press, 1985), 23.

In addition, Allende froze prices and raised wages in an effort to boost the standard of living of the working class. During this period, the price of copper on the world market went down and the government was unable to meet its growing expenses. The economic policies resulted in a staggering inflation rate.[5] A major factor in the financial troubles for the government were the deficits accumulating from the businesses that had been nationalized. Between August 1972 and August 1973 the annual inflation rate was 647 percent.[6]

In defining the budget deficits that the Socialist regime was implementing in the budget, Paul Sigmund suggests these deficits seemed more Keynesian than Marxist, as the Socialists deemed it necessary to stimulate the economy and to employ unused capacity.[7] The nationalization of many industries drew the ire of multinational businesses in the United States beyond the copper interests. The International Telephone and Telegraph (ITT) corporation had considerable trouble with their subsidiary in Chile.

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[5] Thomas E. Skidmore and Peter H. Smith, *Modern Latin America* (New York: Oxford University Press, 1997), 137

[6] Genaro Arriagada, *Pinochet The Politics of Power*, trans. Nancy Morris (Boston: Unwin Hyman, 1988), 7.

[7] Sigmund, 137.

The Nixon administration also stepped up a campaign of providing money for opposition parties. David Rockefeller, Chase Manhattan Bank Board Chairman, along with other multinational corporations, offered to set up a fund, with the money to be distributed by the Central Intelligence Agency (CIA) to the opponents of Salvador Allende.[8] A visit by Fidel Castro to Chile was met with mixed emotions in Chile, as well as Washington.

An invisible blockade by the United States and the runaway inflation were major problems in the second year of Allende's term. The invisible economic blockade consisted of the United States denying loans by American banks and limiting the sale of certain sensitive goods to Chile. This tactic was designed to weaken the stability of the Allende government.[9] Social unrest began to grow and the popular support for the regime began to wane as the economic debacle plagued all segments of society.

Looking for assistance on the international front, President Allende addressed the United Nations in late 1972 and complained of the multinational corporations in general

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[8] Mark Falcoff, *Modern Chile, 1970-1989: A Critical History*, (New Jersey: Transaction Publishers, 1989), 205.

[9] Alan Rouquie, *The Military and the State in Latin America*, trans. Paul Sigmund (Berkeley: University of California Press, 1987), 241.

and Kennecott (a U.S. Copper company) and ITT in particular.[10] Allende blamed the corporations for exploiting the Chilean people, to increase their own profits. After New York, Allende traveled to Moscow to seek support for his troubled regime. The Soviet Union embraced the Chilean president but was not quick to extend support to the troubled regime.

President Allende returned to his troubled land without the help that he had hoped for from the international community. A further indication of increasing polarization came with the elections of the newly elected Congress. Eduardo Frei, the former President of Chile, was elected president of the Senate and a strongly partisan Christian Democrat was also chosen to preside over the Chamber.[11] The coalition politics of the Chilean party system were again beginning to shift. The Christian Democratic Party (PDC) pledged to oppose the agenda of socialist reform. Traditional party competition did not allow the votes necessary to pass legislation proposed by the socialist party.[12]

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[10] Sigmund, 192.

[11] Sigmund, 208.

[12] Simon Collier and William F. Sater, *A History of Chile, 1808-1994*, (New York: Cambridge University Press, 1996), 347.

President Allende had trouble with stability in his own cabinet. In less than three years he had revamped his cabinet numerous times. His various ministers did not have the ability to control the myriad of problems associated with the nationalization of industry. The technical expertise was not in place to take on such a massive undertaking. Inflation continued to swirl and the labor force was growing unsteady. The proliferation of nation-wide strikes crippled the country. Chile is heavily dependent on the transportation of goods by truck, based on physical geography. Strikes by truck drivers and other labor unions were devastating to the weakening economy.[13] The military was also growing uneasy with the malaise of the Allende government.

On September 11, 1973 General Augusto Pinochet led an overthrow of the government that irrevocably changed the nature of civil-military relations in Chile. During the overthrow, President Salvador Allende committed suicide and a seventeen year authoritarian regime began. The overthrow of Allende's government had 2 basic aims: (1) to destroy the parties of the left and their collaborators; and (2) to

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[13] Peter Smith, *Talons of the Eagle: Dynamics of U.S.-Latin American Relations*, (New York: Oxford University Press, 1996), 175.

engineer a fundamental restructuring of Chilean political institutions and political life.[14]

The first aim was achieved through a repressive regime that dissolved Congress, abolished the party system, and prohibited public meetings.[15] The second aim was only partially achieved. The political institutions that were present at the beginning of the regime were resurrected before the 1988 plebiscite. A downturn in the economy sparked protests in 1982 which led to a resurgence of political party activism. The political parties that emerged from the social movement in 1982 were similar to those that had existed before the military regime.[16]

The authoritarian regime of General Pinochet was able to consolidate political power due to four factors:

1. Pinochet and his junta were able to draw on the framework of the traditional constitutional legality to justify one-man rule.

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[14] Arturo Valenzuela, "Chile: Origins and Consolidation of a Latin American Democracy," in *Politics in Developing Countries Comparing Experiences with Democracy*, ed. Larry Diamond, Juan J. Linz and Seymour M. Lipset, (Boulder: Lynne Rienner, 1995), 99.

[15] Cesar N. Caviedes, *Elections in Chile: The Road toward Redemocratization* (Boulder: Lynne Rienner Publishers, 1991), 27.

[16] Paul Drake and Ivan Jaksic, ed., *The Struggle for Democracy in Chile, 1982-1990* (Lincoln: University of Nebraska Press, 1991), 11.

2. The junta could rely on the disciplined and hierarchical nature of the armed forces and the growing power of the secret police (DINA).

3. The junta enjoyed the strong and uncritical support of much of the business community and sectors of the middle class.

4. The junta was able to take advantage of continued sharp divisions in the opposition.[17]

After the coup, a four man military junta was put in place with General Augusto Pinochet in charge. The other members of the ruling junta were General Gustavo Leigh of the Air Force, Admiral Jose Merino of the Navy, and General Cesar Mendoza of the Carabineros (national police).[18] General Pinochet put the Congress in recess indefinitely and broke diplomatic relations with Cuba. The United States suspended military aid to Chile in 1974 based on human rights violations. Senator Edward Kennedy was influential in passing a bill that restricted military sales and technology to the military regime in 1976.[19]

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[17] Arturo Valenzuela, "Chile: Origins and Consolidation of a Latin American Democracy", 99.

[18] Mary Helen Spooner, *Soldiers in a Narrow Land: The Pinochet Regime in Chile*, (Berkeley: University of California Press, 1994), 83.

[19] Paul Drake and Ivan Jaksic, ed., *The Struggle for Democracy in Chile, 1982-1990* (Lincoln: University of Nebraska Press, 1991), 259.

The role of the United States, in the coup, came to light during United States Congressional hearings. Intelligence sources from the United States had covertly aided the opposition with monetary payments. Then Secretary of State, Henry Kissinger, had played down the role of U.S. involvement in Chilean politics and the coup in testimony to the United States House Foreign Affairs and Senate Foreign Relations committees.[20]

General Pinochet was able to consolidate his power and began a series of policy changes. The most important piece of legislation was Decree Law 527 on June 26, 1974 which directly took the constitutional framework of the 1925 constitution and applied it to the military government.[21] By adopting the constitution of 1925, the Pinochet regime attempted to legitimize their authoritarian government. The decree granted General Pinochet full executive powers, which gave him the dominant role in the junta. General Pinochet was able to issue decrees that the other members of the junta could not veto.[22] For the Chilean elites and business

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[20] Nathaniel Davis, *The Last Two Years of Salvador Allende* (New York: Cornell University Press, 1985), 9.

[21] Arturo Valenzuela, "Chile: Origins and Consolidation of a Latin American Democracy", 100.

[22] Pamela Constable and Arturo Valenzuela, *A Nation of Enemies: Chile Under Pinochet* (New York: W.W. Norton and Company, 1991), 66.

community, no matter how objectionable the Pinochet government was because of its radical free-market policies, it remained a far preferable alternative to the democratic government of Allende, because of the uncertainties of the democratic policies.[23]

The Pinochet government worked out a number deals with U.S. companies, to include Kennecott and ITT, that had had their assets seized as part of the socialist nationalization initiatives. In 1974, Decree Law 600 allowed for financial incentives for foreign investment in Chile.[24] The decree received a favorable reaction from many multinational corporations. A negative aspect was the repression of human rights and abuses of those thought to be disloyal to the new ruling junta.

The reports of human rights violations grew and strained Chilean international relations, particularly with the United States. The United Nations General Assembly issued four letters of condemnation to Chile. To pacify the international community, General Pinochet held a referendum

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[23] Arturo Valenzuela, "Chile: Origins and Consolidation of a Latin American Democracy", 104.

[24] Heraldo Munoz, "External Relations Under the Military Government," in *Military Rule in Chile*, ed. Julio Valenzuela and Arturo Valenzuela (Baltimore: The Johns Hopkins University Press, 1986), 307.

in 1978 to show his popular support. Voters were required to vote yes or no to the following proposition:

> In light of the international aggression unloosed against the government of our *patria*, I support President Pinochet in his defense of the dignity of Chile, and I reaffirm the legitimacy of the government of the Republic to lead sovereignly the process of institutionalization of the country.[25]

The referendum was approved by the Chilean voters, but the vote was questioned by outside observers for the wording of the ballot and that opponents were fearful to vote against General Pinochet for fear of retribution.

Seven years after the overthrow of President Allende, General Pinochet wanted to afford greater legitimacy to his regime. He did this by holding a plebiscite in 1980, to approve a constitution to replace the one of 1925.[26] This carefully crafted constitution was the institutional centerpiece of the regime's effort to reshape Chilean politics. The constitution gained acceptance in the tightly controlled plebiscite.[27] The plebiscite also granted

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[25] Paul Zagorski, *Democracy vs. National Security Civil-Military Relations in Latin America* (Boulder, Colorado: Lynne Rienner Publishers, 1992), 41.

[26] Javier Martinez and Alvaro Diaz, *Chile The Great Transformation* (Harrisonburg, Virginia: The Brookings Institution, 1996), 16.

[27] Timothy R. Scully, "Reconstituting Party Politics in Chile," in *Building Democratic Institutions Party Systems in Latin America*, ed. Scott Mainwaring and Timothy R. Scully (Stanford: Stanford University Press, 1995), 122.

Pinochet eight more years in power in what he called a protected democracy. Officially the period of time was called a transition period to democracy and strengthened Pinochet's personal power.[28] Throughout his dictatorship Pinochet continued to consolidate power not in the office he held, but in himself.

General Pinochet allowed for another plebiscite in 1988 to allow his regime to remain in power for another eight years. This time the vote did not go in his favor, so he was forced to hold a general election. The burgeoning of the political party system allowed the revitalized parties to work on a campaign to get out the vote to defeat the military regime. The campaign was successful and a majority (57 percent) voted no to the military regime. Two elements made it possible for the no plebiscite: (1) elements in the military and in the civilian political right expected a fair contest and would not have tolerated any disruption of the process; and (2) opposition leaders were successful in persuading voters to stay home, waiting calmly for results

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[28] Manuel Antonio Garreton, "Political Processes in an Authoritarian Regime," in *Military Rule in Chile*, ed. Julio Valenzuela and Arturo Valenzuela (Baltimore: The Johns Hopkins University Press, 1986), 173.

on election night, and to celebrate peacefully the next day.[29]

Opponents of General Pinochet stressed calm by the populace for fear that any large outpouring of emotion might cause General Pinochet to discount the plebiscite because of social unrest. The results of the vote were reported with little disturbance and presidential elections were scheduled. General Pinochet had established the rules of the game with a plebiscite he thought he would win. However, Pinochet received only forty-three percent of the votes and became a victim of his own game. Patricio Aylwin, of the Concertación Party, was elected to the presidency in 1989 and Pinochet turned over the government to Aylwin in 1990.

General Pinochet enacted legislation before turning over power to ensure a continuing role of the military in Chilean politics. The core of Pinochet's efforts lay in the establishment of a strong political right and a military that commanded ample power. Through the 1980 constitution and the 1989 Organic Law of the Armed Forces, Pinochet hoped

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[29] Arturo Valenzuela, "Chile: Origins and Consolidation of a Latin American Democracy", 108.

to bind the hands of civilian successors.[30] When the democratic regime came to power in 1990, it confronted a Constitutional Court with seven members, all appointed by Pinochet, not one of whom was removable until he reached retirement age of seventy-five.[31]

While the enacted legislation was a constraint on the democratically elected government, it will be shown that the military has lost some of the strength of its prerogatives in the last ten years. President Aylwin (1990-1994) and President Eduardo Frei (1994-present) have attempted to diminish the military prerogatives in Chile with various legislative initiatives.

C. IMPORTANCE

The topic is important because Chile has the most promising economy in Latin America and the fostering of democracy provides stability and security to support United States goals in the region. If the military prerogatives in Chile continue, democracy will not be fully consolidated. The implications for other countries in the region such as Peru and Paraguay, with lingering high military

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[30] Wendy Hunter, "Civil-Military Relations in Argentina, Chile, and Peru," *Political Science Quarterly* (Fall 1997): 456.

[31] Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation Southern Europe, South America, and Post-Communist Europe* (Baltimore, Maryland: The Johns Hopkins University Press, 1996), 209.

prerogatives, is that Chilean civil-military relations could have a demonstration effect in civil-military relations in those countries. Following the military coup in Chile, seven of the eleven independent South American countries were under military governments (Bolivia, Brazil, Ecuador, Paraguay, Peru, and Uruguay, joined by Argentina in 1976).[32] The wave of democracy in South America is still in its early stages and needs to be supported.

It is in the interest of the United States to foster consolidation of democracy in Chile. Since the return to democracy is relatively new, the United States can influence the direction of the civilian government, with initiatives such as the North American Free Trade Agreement (NAFTA). In Santiago, Chile, at the Summit of the Americas in April 1998, President Clinton expressed the economic goal for the United States to create a Western Hemispheric free trade zone by 2005.[33] President Clinton wants to include Chile as part of the NAFTA agreement, but he has been slowed by a reluctance of the U.S. Congress to expand NAFTA. The globalization of the world economy, by means of technological advancements, makes it necessary to reduce

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[32] Javier Martinez and Alvaro Diaz, *Chile the Great Transformation*, (Harrisonburg, Virginia: The Brookings Institution, 1996), 14.

[33] *Miami Herald* (Miami), 12 April 1998.

trade barriers to provide greater access to markets, such as Chile. Free trade agreements in the Western Hemisphere are an integral part of the continued economic development for Chile and other Latin American nations.

The turbulence in the world economy could cause a reverse wave of democracy if the economic troubles persist. Democracy could be threatened, according to Samuel Huntington, if an economic crisis or collapse that intensified social conflict and enhanced the popularity of remedies that could only be imposed by authoritarian governments.[34] It is important for the United States to utilize its status as a world leader to cultivate democratic political systems.

D. THEORY - DEMOCRACY AND CONSOLIDATED DEMOCRACY DEFINED

Through the course of history, numerous concepts have been applied to define democracy. A common definition is the procedural criteria specified by Robert Dahl. The conditions are summarized (criteria 1-7, below) and further expanded (criteria 8-9) by Philippe Schmitter and Terry Karl:

1. Control over government decisions about policy is

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[34] Samuel P. Huntington, *The Third Wave Democratization in the Late Twentieth Century*, (Norman: University of Oklahoma Press, 1991), 290.

constitutionally vested in elected officials.

2. Elected officials are chosen in frequent and fairly conducted elections in which coercion is comparatively uncommon.

3. Practically all adults have the right to vote in the election of officials.

4. Practically all adults have the right to run for elective offices in the government.

5. Citizens have a right to express themselves without the danger of severe punishment on political matters broadly defined.

6. Citizens have a right to seek out alternative sources of information. Moreover, alternative sources of information exist and are protected by law.

7. Citizens also have the right to form relatively independent associations or organizations, including independent political parties and interest groups.

8. Popularly elected officials must be able to exercise their constitutional powers without being subjected to overriding (albeit informal) opposition from unelected officials.

9. The polity must be self-governing; it must be able to act independently of constraints imposed by some overwatching political system.[35]

The variations in democracy are numerous. These nine principles are a framework that is common to some degree in all truly democratic systems.

In the Chilean case, it is critical to pay close attention to the eighth principle, to the extent that the armed forces in Chile infringe on the power of the elected officials. This principle was added by Schmitter and Karl to discount the countries where civilian control over the military is minimal. It can be argued, using this principle, that democracy in Chile is constrained by the military. The elected officials in Chile can exercise their constitutional powers, but the constitution was written by the former military authoritarian regime.

Juan Linz and Alfred Stepan define a consolidated democracy by three criteria:

1. Behaviorally, a democratic regime in a territory is consolidated when no significant national, social, economic, political, or institutional actors spend significant resources attempting to achieve their objectives by creating

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[35] Philippe C. Schmitter and Terry Lynn Karl, "What Democracy Is...and Is Not," in *The Global Resurgence of Democracy*, ed. Larry Diamond and Marc Plattner (Baltimore: The Johns Hopkins University Press, 1993), 45.

a nondemocratic regime or turning to violence or foreign intervention to secede from the state.

2. Attitudinally, a democratic regime is consolidated when a strong majority of public opinion holds the belief that democratic procedures and institutions are the most appropriate way to govern collective life in a society such as theirs and when the support for opposing alternatives is quite small or more or less isolated from the pro-democratic forces.

3. Constitutionally, a democratic regime is consolidated when government and nongovernmental forces alike, throughout the territory of the state, become subjected to, and habituated to, the resolution of conflict within the specific laws, procedures, and institutions sanctioned by the new democratic process.[36]

Based on the Linz and Stepan criteria, the Chilean democracy is not consolidated. The democratically elected government is impeded in many ways from changing the constitutional framework provided by the Pinochet government. The 1980 constitution mandates that nine of the

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[36] Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation,* (Baltimore: The Johns Hopkins University Press, 1996), 6.

forty-seven senators in Congress are designated positions.[37] This provision allowed conservatives to be selected as senators, with no elections. The over-representation of the conservative right in the Congress does not allow for the current government to make the necessary changes to consolidate democracy. The executive, legislative, and judicial branches of government have all been constrained by the former authoritarian regime.

The military is not fully subordinate to the civilian elected officials of the government and the government does share power in certain areas with the military. The former military government left a lasting legacy in the current constitution to ensure their seemingly autonomous stature. This study will show the areas in which the military has retained certain prerogatives and their interaction with the elected officials.

E. METHODOLOGY

This thesis will examine civil-military relations in Chile during two time frames, 1988 and 1998. It will apply, to the Chilean case, the eleven prerogatives defined by Alfred Stepan in his book, *Rethinking Military Politics*

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[37] Arturo Valenzuela, "Government and Politics", in *Chile: A Country Study*, ed. Rex Hudson (Washington, D.C.: Government Printing Office, 1994), 226

Brazil and the Southern Cone. It will detail the strength of the military during the dictatorship to the transition to democracy.

Today Chile is nearing the completion of the second democratically elected government since the Pinochet regime. While the current (inaugurated in 1994) government of President Eduardo Frei Ruiz-Tagle has legitimacy because it was elected, as part of a governing coalition called the Concertación, the military maintains significant prerogatives within Chile. The military prerogatives provide a starting point for the study of civil-military relations in Chile.

The eleven military prerogatives defined by Alfred Stepan are presented in Table 1. It shows the magnitude of the dominance of the Chilean military prerogatives in 1988. Alfred Stepan and Juan Linz have said that when the last authoritarian enclave is finally displaced, Chile will on that same day complete its transition and consolidate democracy.[38]

Civil-military relations in Chile are affected to a significant degree by the prerogatives of the military. Each of the prerogatives will be examined using the two

points in time (1988 to 1998) to analyze the state of civil-military relations in Chile. A military prerogative is defined as high when the military has greater control of an area than the civilian authority. In an area that is controlled by civilian authority, the military has a low military prerogative. A moderate military prerogative is an area that is influenced by both the military and civilian authorities.

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[38] Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation Southern Europe, South America, and Post-Communist Europe* (Baltimore, Maryland: The Johns Hopkins University Press, 1996), 212.

Table 1. Military Prerogatives in Chile, 1988

Prerogative	1988
Constitutionally sanctioned independent role of the military in political system	High
Military Relationship to chief executive	High
Coordination of defense sector	High
Active-duty military participation in Cabinet	High
Role of Legislature	High
Role of senior career civil servants or civilian political appointees	High
Role in intelligence	High
Role in police	High
Role in military promotions	High
Role in state enterprises	High
Role in Legal System	High

Source: Author, based on Alfred Stepan, *Rethinking Military Politics Brazil and the Southern Cone* (Princeton: Princeton University Press, 1988), 94-97.

II. MILITARY PREROGATIVES IN CHILE

> A careful study of that period would conclude that the military had to act or else the country would have failed. We have now completed our mission.
>
> General Pinochet, 11 March 1998[39]

A. CONSTITUTIONALLY SANCTIONED INDEPENDENT ROLE OF THE MILITARY IN THE POLITICAL SYSTEM

The following chapter is the heart of the thesis. It examines eleven prerogatives of the Chilean military in 1988 and 1998. This analysis provides the basis for the conclusion in chapter three.

During the years of the authoritarian regime of General Pinochet, the military dominated all areas of the political system. When military prerogatives are high the constitution allocates primary responsibility for internal law and order to the military and implicitly gives the military great decisional latitude in determining when and how to carry out their responsibilities. If military prerogatives are low, military actions in a particular area are only undertaken when ordered by the appropriate civilian official, within a framework established by the legal system and the legislature.[40] The Carabineros (National Police) in

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[39] *New York Times* (New York), 11 March 1998.

[40] Alfred Stepan, *Rethinking Military Politics Brazil and the Southern Cone* (Princeton, New Jersey: Princeton University Press, 1988), 94.

Chile were considered a branch of the armed forces, along with the army, navy, and air force. While the mission of the Carabineros was to provide internal security, they shared a similar hierarchical status as the armed forces.

However, the Aylwin government was able to return the Carabineros to the Interior Ministry after a seventeen year period under the Ministry of Defense. This transfer made the internal security the preserve of the police and not the military.[41] While the Carabineros technically belong to the Interior Ministry today, they remain a national force unlike ordinary law enforcement agencies.

The most constraining constitutional formula for a new democratic government is one where the incoming government has to agree to rule with an authoritarian constitution crafted by the outgoing authoritarian regime.[42] General Pinochet was able to constitutionally sanction many of the military prerogatives into law with the 1980 constitution and the 1989 Organic Law of the Armed Forces. However, the

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[41] Wendy Hunter, "Civil-Military Relations in Argentina, Chile, and Peru," *Political Science Quarterly* (Fall 1997): 458.

[42] Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation Southern Europe, South America, and Post-Communist Europe* (Baltimore, Maryland: The Johns Hopkins University Press, 1996), 206.

1980 constitution also established the rules for the eventual transition to democracy in 1989.[43]

Today this military prerogative remains high as the military still remains an important actor in the political system. Democracy requires that the armed forces, as well as other nonelected sectors of the executive branch, be subordinated to and governed by elected officials.[44] The ability to amend the constitution is curtailed by the binomial electoral system in Chile, which makes it extremely difficult to achieve the necessary votes for amending the constitution. The binomial electoral system, invented by the Pinochet regime, artificially inflated the proportion of contested seats going to the conservative parties. There are two seats for every district in Chile's legislature. The most popular party (usually one of the parties belonging to the Concertación) would have to earn a vote double that

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[43] Philip Oxhorn, *Organizing Civil Society: The Popular Sectors and the Struggle for Democracy in Chile* (University Park: The Pennsylvania State University Press, 1995), 97.

[44] Paul W. Zagorski, *Democracy vs. National Security Civil-Military Relations in Latin America* (Boulder, Colorado: Lynne Rienner Publishers, 1992), 53.

of its nearest competitor if it were to win both seats within a district.[45]

The nature of coalition politics in Chile affords little opportunity for any faction to achieve the majority of votes to pass amendments to the constitution. For reforms requiring constitutional change a three-fifths majority is needed.[46] A sixty percent majority is difficult in Chile as the political parties are distributed almost evenly in thirds between the right, center, and left. The centrist parties have the best opportunity to gain the votes necessary for constitutional reform. Through bargaining the parties at the center could form a coalition with the left or right to gain a majority coalition.[47]

In summary, the military's prerogative remains high in this area. The military has a constitutionally sanctioned role in the political system which diminishes the control of the civilian government over the military. The prospect to lower the military prerogative in this area is minimal, based on the difficulty of constitutional reform in Chile.

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[45] David Pion-Berlin, *Through Corridors of Power Institutions and Civil-Military Relations in Argentina* (University Park, Pennsylvania: The Pennsylvania State University Press, 1997), 200.

[46] Ibid., 205.

[47] Thomas Skidmore and Peter Smith, *Modern Latin America* (New York: Oxford University Press, 1997), 128.

B. MILITARY RELATIONSHIP TO THE CHIEF EXECUTIVE

In a democratic regime with low military prerogatives the chief executive (president) is the commander in chief. If the de facto control of the armed forces is in the hands of the uniformed active-duty service commanders, the military prerogatives are high.[48] General Pinochet was the chief executive and commander in chief throughout his seventeen year reign. The overthrow of the democratically elected Salvador Allende is a stark reminder of the former frail nature of the chief executive. General Pinochet recently stated, "I wish things could have been different. I wish Allende had left of his own accord with the guarantees of safety I offered to him. In the end he chose not take this course. Instead he chose suicide."[49] General Pinochet's dominance was rarely challenged, because of the strength of the military government and his former actions.

On March 11, 1990 when Patricio Aylwin became president, he was the chief executive and General Pinochet remained as commander in chief of the army. Twelve days before President Aylwin was sworn in, the Organic Law of the Armed Forces (Law 18,948 of February 1990) was signed by

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[48]Alfred Stepan, *Rethinking Military Politics Brazil and the Southern Cone* (Princeton, New Jersey: Princeton University Press, 1988), 94.

[49] *New York Times* (New York), 9 November 1998.

Pinochet and approved by the Constitutional Tribunal Pinochet had created and appointed in 1980. This law greatly increased the institutional autonomy of the armed forces. In the critical area of personnel policy, the law removed the president's right to order officers into retirement and made the gatekeeping nominations to major general (from which all future commanders in chief would be drawn) the exclusive prerogative of the commander in chief, of the respective service, reinforcing ambitious army officers' dependence on Pinochet.[50] This safeguard also assured the continuation of General Pinochet as commander in chief of the army until 1998, a position he used to keep a watchful eye over the new democracy.[51] Both President Aylwin and President Eduardo Frei had to deal with General Pinochet, without the ability to remove him.

President Aylwin initiated legislation to reduce the power of the military, making it more accountable to the chief executive. The bills introduced were to allow the president the right to promote and retire military officers, including the chiefs of each branch of the armed forces.

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[50] Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation Southern Europe, South America, and Post-Communist Europe* (Baltimore, Maryland: The Johns Hopkins University Press, 1996), 208.

[51] Wendy Hunter, "Civil-Military Relations in Argentina, Chile, and Peru," *Political Science Quarterly* (Fall 1997): 456.

The measures would also have restructured the National Security Council to provide greater civilian control on matters of national security.[52] The legislation did not pass in Congress, due to right wing conservative support for the former military government. President Aylwin led an efficacious government but he was hindered in many respects. Aylwin had to deal with General Pinochet as commander in chief of the army, a Senate dominated by the right, and a pro-military judiciary.[53] President Aylwin proved to be a capable president and maintained the model of economic prosperity and growth.

In March 1998 General Pinochet retired from the armed forces and became a senator for life. President Frei had to choose from a list of five generals that Pinochet hand picked to succeed him as commander of the armed forces. The new commander is General Ricardo Izurieta. As President Frei was able to choose the successor from Pinochets' list, this military prerogative is now moderate, as General Pinochet is no longer the commander in chief of the army.

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[52] Lois Hect Oppenheim, *Politics in Chile: Democracy, Authoritarianism and the Search for Development* (Boulder: Westview Press, 1993), 221.

[53] Thomas Skidmore and Peter H. Smith, *Modern Latin America* (New York: Oxford University Press, 1997), 145.

The constraints on the executive branch will continue unless legislation can be passed to amend the laws that still bar the removability of service chiefs by the president. In the future, presidents may be able to better shape the hierarchy of the military as the Pinochet mystique fades. The next generation of military leaders will not be as imbedded with the thinking of General Pinochet.

In summary, the military prerogative in relationship to the chief executive has moved from high to moderate between 1988 and 1998. The chief executive no longer has to deal with General Pinochet as a service chief, but the president is still constrained by being unable to remove the service chiefs from office.

C. COORDINATION OF DEFENSE SECTOR

The defense sector should be coordinated by a Cabinet-level official, normally appointed by the chief executive. That official should control a staff with extensive participation by professional civil servants in a democratic regime with low military prerogatives. If the military prerogatives are high, the defense sector is coordinated by the service chiefs, with very weak supervision and comprehensive planning by the chief executive.[54] During the

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[54] Alfred Stepan, *Rethinking Military Politics Brazil and the Southern Cone* (Princeton, New Jersey: Princeton University Press, 1988), 94.

Pinochet regime the defense sector was coordinated by the ruling military junta. Each of the service chiefs worked together and formulated defense policy. All aspects of national defense from arms production to policy were under the control of the military regime.

Today the Minister of Defense in Chile is a civilian political appointee. However, the military prerogative remains moderate as the service chiefs work directly with the Minister of Defense. A civilian is not appointed to oversee each branch of service, which provides a great deal of autonomy for the military. The chiefs of each branch of the armed forces are virtually equal partners with the Minister of Defense, while technically subordinate to civilian control. The service chiefs maintain a strong position because President Frei cannot easily dismiss them.

The Frei administration set out to pursue a nonpartisan, consensus, state-based defense policy. The Defense Ministry has promoted an active policy to involve civilians in the defense sector. Their lack of involvement in the past has hindered good relations between civilians and the military.[55]

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[55] "Chile: Civil-Military Relations in 1995 Viewed" in *La Nacion* [database on-line]; available from FBIS.

In summary, the military prerogative in the coordination of the defense sector has moved from high to moderate between 1988 and 1998. The military and the civilian appointees now work together in the development of defense policy. The potential exists for greater control by the civilian government over the military in this area as civilians become more involved in the defense sector.

D. ACTIVE-DUTY MILITARY PARTICIPATION IN THE CABINET

In a democratic system with low military prerogatives there is generally no active duty military participation in the cabinet. If the military prerogatives are high, military officers may participate as ministers in the cabinet. This is especially true for those with national security tasks, such as the National Security Council.[56] During the Pinochet regime the cabinet consisted primarily of the ruling military junta. Nearly fifty percent of cabinet officials between 1973 and 1987 were military officers. Active-duty officers also served as subsecretaries, university rectors, diplomats, administrators of state corporations, regional intendants, mayors, governors, and members of the junta's four

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[56] Alfred Stepan, *Rethinking Military Politics Brazil and the Southern Cone* (Princeton, New Jersey: Princeton University Press, 1988), 95.

legislative commissions.[57] The cabinet was merely a small group of generals who maintained the power of the military government.

As for military prerogatives, the Pinochet charter called for a military-dominated National Security Council (NSC) with veto power over a wide range of policies after he allowed the democratic transition to occur in March of 1990.[58] As the NSC was dominated by the military, the civilian government was unable to exercise effective control over this powerful organization.

President Frei in October 1995 submitted to Congress a package of constitutional amendments, including the restructuring of the National Security Council, to allow for greater civilian authority, and the granting of greater oversight power to Congress.[59] The legislation did not pass, but it was a solid attempt by the government to gain further control over the military. Once again coalition politics thwarted the efforts of the chief executive. Many politicians have become accustomed to seeing the recent

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[57] Karen L. Remmer, *Military Rule in Latin America* (Boston: Unwin Hyman, 1989), 132.

[58] Wendy Hunter, "Civil-Military Relations in Argentina, Chile, and Peru," *Political Science Quarterly* (Fall 1997): 456.

[59] Wendy Hunter, "Civil-Military Relations in Argentina, Chile, and Peru," *Political Science Quarterly* (Fall 1997): 458.

attempts at constitutional reform being blocked by the legislative branch.[60] Some right wing senators blocked the government efforts to change the constitution.[61] President Frei continues in the struggle of trying to diminish the military role in the political system.

In summary, the military prerogative of participation in the cabinet has remained high from 1988 to 1998. The constitution grants the military strong participation in the cabinet. The outlook is for a continued high military prerogative in this area, in accordance with current law.

E. ROLE OF LEGISLATURE

In a legislature with low military prerogatives, most major policy issues affecting military budgets, force structure, and new weapons initiatives are monitored by the legislature. Cabinet level officials and chief aides routinely appear before legislative committees to defend and explain policy initiatives and to present legislation. If the military prerogatives are high, the legislature simply approves or disapproves the executive's budget. There is no

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[60] Alicia Frohman, "Chile: External Actors and the Transition to Democracy," in *Beyond Sovereignty Collectively Defending Democracy in the Americas*, ed. Tom Farer (Baltimore, Maryland: The Johns Hopkins University Press, 1996), 246.

[61] Wendy Hunter, "Civil-Military Relations in Argentina, Chile, and Peru," *Political Science Quarterly* (Fall 1997): 459.

legislative tradition of detailed hearings on defense matters.[62]

As part of his larger effort to ensure military autonomy from civilian politicians, Pinochet took measures to guarantee the armed forces ample fiscal resources. The 1989 Organic law of the Armed Forces stipulates that the defense budget may not fall below the absolute minimum amount of 1989. The armed forces are also entitled to 10 percent of all profits of the state owned copper company, CODELCO, with an annual minimum of U.S. $180 million.[63] The civilian government has limited control to diminish the budget of the military.

The military is guaranteed its minimum budget by law. In the past few years, the share of the federal budget spent on the military has lowered, due to a strong economy. As a share of the federal budget, the Chilean military received 11.34 percent in 1989. By 1995 the share of the federal budget that was spent on the military was 8.65 percent.[64] In Chile, copper is the most important natural resource and

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[62] Alfred Stepan, *Rethinking Military Politics Brazil and the Southern Cone* (Princeton, New Jersey: Princeton University Press, 1988), 95.

[63] Wendy Hunter, "Civil-Military Relations in Argentina, Chile, and Peru," *Political Science Quarterly* (Fall 1997): 459.

[64] Wendy Hunter, "Civil-Military Relations in Argentina, Chile, and Peru," *Political Science Quarterly* (Fall 1997): 459.

the copper industry provides vast revenues for the federal government. The ability of the military to share in the profits of the copper industry illustrates the high prerogatives of the military in the legislative budget.

The military also gained another voice in the legislature with General Pinochet's new title of Senator for life. Senator Jorge Lavanderos, a Christian Democrat in the Chilean Senate, said, "This is the only country in the world where a dictator will be allowed to sit among a democratically elected Congress."[65] As a member of the Chilean Senate, Pinochet will be able to keep an eye on the continuing struggle of the civilian government to gain greater control over the military.

The legislative branch is restrained by the competition of party politics. In the success of the two presidential elections, in 1990 and 1994, which were won by the Concertación party, virtually all major political decisions were arranged by coalition building.[66] To amend the constitution and reduce the military budget will require a difficult compromise across party lines.

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[65] *New York Times* (New York), 11 March 1998.

[66] Philip Oxhorn, *Organizing Civil Society: The Popular Sectors and the Struggle for Democracy in Chile* (University Park: The Pennsylvania State University Press, 1995), 264.

In summary, the military prerogative in the role of the legislature has remained high from 1988 to 1998. The legislature controls the federal budget but is prohibited from lowering the military allocation beyond levels set by the Pinochet regime.

F. ROLE OF SENIOR CAREER CIVIL SERVANTS OR CIVILIAN POLITICAL APPOINTEES

A professional cadre of highly informed civil servants play a major role in assisting executive branch in designing and implementing defense and national security policy in a democracy with low military prerogatives. If the military prerogatives are high, active duty military officials fill almost all top defense sector roles. Civilian participants would normally do so as employees of the military services.[67]

The Pinochet regime designed and implemented all facets of defense and national security policy during its tenure. General Pinochet personally appointed all of the officials to senior level positions in the government. Between 1973 and 1986, of the 118 individuals who served as the head of a

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[67] Alfred Stepan, *Rethinking Military Politics Brazil and the Southern Cone* (Princeton, New Jersey: Princeton University Press, 1988), 95.

government agency, 52 were military officers.[68] The Organic Law of the Armed Forces in 1989 was designed by Pinochet to assure the continued influence of the military in the decision making process. The heavy influence of the military in the National Security Council and other defense policy making offices has not allowed the civil servants to have effective control.

The retirement of General Pinochet from the military in 1998 may allow the senior civil servants a more productive role in defense policy. Claudio Holzman, of the University of Chile's Institute of Political Science and the Freedom of Development Institute, explains that the retirement of Pinochet changes the High Command, signifying as a result, a qualitative modification in organization. This is independent of the fact that the objectives remain the same as to what the Army means as an institution.[69]

Today the senior civil servants and the military share more of a dual responsibility in defining and implementing national security policy. The military influence is still strong but has diminished in the last decade.

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[68] Pamela Constable and Arturo Valenzuela, *A Nation of Enemies: Chile Under Pinochet* (New York: W.W. Norton and Company, 1991), 84.

[69] "Chile: Impact of Pinochet Retirement Viewed" in *El Mercurio*, 23 Sep 1996 [database on-line]; available from FBIS.

In summary, the military prerogatives in this area were high in 1988, but are moderate today. There has been a steady decline in the role of military officers assuming senior positions in the government. The civilian role may grow larger with the retirement of General Pinochet.

G. ROLE OF INTELLIGENCE

In a country with high military prerogatives intelligence agencies are controlled by active-duty, general level officers who combine intelligence gathering and operations functions, with no independent civilian review boards. If the military prerogatives are low, intelligence agencies are controlled by civilian chains of command, with strong civilian review boards.[70] During the Pinochet regime, General Manuel Contreras was in charge of the secret police known as the DINA (National Intelligence Directorate). All intelligence activity was given to DINA, a military organization with a technical-professional character that took its orders directly from the military junta.[71] The DINA had almost limitless power and answered only to General Pinochet.

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[70] Alfred Stepan, *Rethinking Military Politics Brazil and the Southern Cone* (Princeton, New Jersey: Princeton University Press, 1988), 96.

[71] Genaro A. Herrera, "The Legal and Institutional Framework of the Armed Forces in Chile," in *Military Rule in Chile*, ed. J. Samuel

The DINA was disbanded due to the number of human rights abuses reportedly committed by the organization. It was replaced by the Central Office of Information (CNI). On paper, the CNI appeared to be a standard intelligence agency but in fact it followed DINA in almost all methods, such as reporting directly to General Pinochet.[72] General Contreras went to jail only in late October 1995, after the government conceded a pay hike and proposed legislation to put closure on some 600 odd remaining court cases.[73] For many years after the Pinochet regime, few human rights cases came to trial because Pinochet had granted amnesty to the officers of his authoritarian regime.

The intelligence community today no longer has the power it did during the Pinochet regime. The alleged abuse of human rights without punishment is still a negative lingering effect on the intelligence community. Based on past history, the role in intelligence of the military is more closely watched by the civilian government. During the

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Valenzuela and Arturo Valenzuela (Baltimore, Maryland: The Johns Hopkins University Press, 1986), 131.

[72] Manuel A. Garreton, "The Political Evolution of the Chilean Military Regime and Problems in the Transition to Democracy," in *Transitions from Authoritarian Rule Latin America*, ed. Guillermo O'Donnell, Philippe C. Schmitter, and Laurence Whitehead (Baltimore, Maryland: The Johns Hopkins University Press, 1986), 105.

[73] Wendy Hunter, "Civil-Military Relations in Argentina, Chile, and Peru," *Political Science Quarterly* (Fall 1997): 459.

authoritarian rule the role of intelligence was to enforce, by any means, the edicts of General Pinochet. Today intelligence agencies are controlled by a democratically elected government.

In summary, the military prerogatives in the role of intelligence was high in 1988, but are moderate in 1998. The revelation of human rights abuses in Chile, to the world community, has allowed the elected government greater control of intelligence agencies.

H. ROLE IN POLICE

The police in a democratic regime should be under the control of a nonmilitary ministry and no active-duty military officers should be allowed to command a police unit. If the military prerogatives are high, the police operate under overall direct command of the military and most local police chiefs are active duty military.[74] General Pinochet treated the Carabineros (National Police) as a branch of the military government. The commander of the Carabineros was one of the four members of the military junta that initially seized power in 1973. The Carabineros were under the direct control of the military. As a result

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[74] Alfred Stepan, *Rethinking Military Politics Brazil and the Southern Cone* (Princeton, New Jersey: Princeton University Press, 1988), 96.

the Carabineros enjoyed the same high prerogatives as the military during the transition to democracy.

As part of the constitutional reform during the Pinochet regime the commander of the Carabineros is also a member of the National Security Council (NSC). The Carabinero commander also has the same privilege as the other chiefs of the branches of the armed forces in that he cannot be removed from office by the president. This stipulation allows for a good deal of autonomy for the police from the executive branch of government.

The efforts of President Aylwin allowed the Carabineros to be put under the operational control of the Interior Ministry. The Carabineros are still the national police today and remain a strong voice at the national level. The direction of the military in its role of the police has been lifted and the focus of the military is toward external security.

President Frei was unsuccessful in his attempt to remove General Rodolfo Stange, Commander of the Carabineros, in 1995. General Stange was under investigation for allegedly concealing a murder in 1985. President Frei asked General Stange to resign from his post. General Stange refused to resign, using his constitutional privilege of not

being removed from command by the chief executive.[75] The focus of the Carabineros is on internal security of the state but they still have moderate prerogatives with the high stature in government and substantial autonomy.

In summary, the military prerogative in the area of the police was high in 1988, but is moderate in 1998. The Carabineros are now under the control of the Interior Ministry, as opposed to Minister of Defense in 1988. The prerogative remains moderate as the chief executive is unable to remove the commander in chief of the Carabineros from office.

I. ROLE IN MILITARY PROMOTIONS

A military with high prerogatives is able to play a major role in setting the boundaries for promotion patterns. The executive branch would be very tightly constrained in determining who could be chosen from promotion lists forwarded by each service. If the military prerogatives are low, the legislature discusses and approves the promotion law. A professional military promotion board makes recommendations to cabinet level officials, who in turn make recommendations to the executive. The executive is not

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[75] Joaquin Fermandois and Michael Morris, *Democracy in Chile: Transition and Consolidation 1987-2000.* (London: Research Institute for the Study of Conflict and Terrorism, 1995), 16.

typically constrained in the selection of major policy making posts.[76]

The fact that President Frei had to choose from a list of names composed by General Pinochet, to choose the new armed forces commander, is a vivid reminder of the high military prerogative in military promotions. The military has great autonomy in the promotion system. The Organic Law of the Armed Forces details many of the facets that guide the careers of Chilean military officers. The laws governing the armed forces were written by the armed forces, a sure sign of the military's influence from 1973 to 1990.

General Pinochet had full control over military promotions during his regime. Those who served the regime rose quickly in the ranks. Officers who voiced opposition were forced into retirement. This is due in part to the personalistic nature of the Pinochet regime. A week prior to his military retirement on 10 March 1998, all 45 army generals appointed General Pinochet as "a meritorious commander in chief for life." Frei administration officials have said the declaration was just an honorary title, but critics said it was a message of unconditional support for

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[76] Alfred Stepan, *Rethinking Military Politics Brazil and the Southern Cone* (Princeton, New Jersey: Princeton University Press, 1988), 96.

the general even in his retirement.[77] The underlying meaning of the honorary title is a public allegiance of the entire command structure of the Chilean army to the man who shaped their careers.

The armed forces also tried to protect itself from civilian control by passing the Organic Law of the Armed Forces, by which General Pinochet granted himself virtual control over the army and, according to some, powers parallel to those of the president and minister of defense.[78] Only one officer, General Pinochet himself, was exempt from normal retirement regulations. All other active duty generals rose from the ranks during Pinochet's tenure and as a result most senior officers are Pinochet loyalists.[79]

Based on Chilean law the executive branch is still constrained on military promotions. In a small way, President Frei has been able to shape the future of the Chilean military by choosing from a list the successor of Pinochet to lead the armed forces. While the military

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[77] *New York Times* (New York), 11 March 1998.

[78] Lois Oppenheim, *Politics in Chile Democracy, Authoritarianism, and the Search for Development* (Boulder, Colorado: Westview Press, 1993), 210.

[79] Zagorski, 165.

retains virtual autonomy in the promotion system, the prospects for increased civilian oversight is now possible with the retirement of General Pinochet from the military.

In summary, the military prerogative in the military promotion system has remained high from 1988 to 1998. The chief executive is constrained by the commander in chief of each service, in that he cannot remove them and must choose a successor for each chief from a list composed by the commanders.

J. ROLE IN STATE ENTERPRISES

State enterprises would only exceptionally be headed by an active-duty military officer in a democratic regime with low military prerogatives. If the military prerogatives are high, occasionally by law and normally by tradition, active duty military officers would control key state enterprises.[80]

In Chile, the military regime tried to move away from the socialist government of Salvador Allende. The nationalization of industry was the goal of the socialist Allende government. Instead, the Pinochet regime pushed for free market economics and the general dismantling of state

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[80] Alfred Stepan, *Rethinking Military Politics Brazil and the Southern Cone* (Princeton, New Jersey: Princeton University Press, 1988), 97.

intervention in a competitive market.[81] At the time of the overthrow in 1972 the state owned 251 firms and had intervened in 259. When General Pinochet turned over the government to the Aylwin administration in 1990, the state owned 41 firms and one bank, including the copper company (CODELCO).[82] Allowing market forces to guide the economy, rather than the state, has led to a prosperous economy. The Pinochet regime instituted three components to the economy:

1. A drastic reduction in the role of the state.

2. An opening of the economy to international trade and financial flows.

3. Free market policies governing price determination and capital markets.[83]

General Pinochet opened the way for a free market economy during his regime. The success of the economy was based on allowing many industries to revert to private control and allowing market forces to shape industry. These progressive policies were not the economic genius of General

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[81] Pamela Constable and Arturo Valenzuela, *A Nation of Enemies: Chile Under Pinochet* (New York: W.W. Norton and Company, 1991), 11.

[82] Javier Martinez and Alvaro Diaz, *Chile the Great Transformation*, (Harrisonburg, Virginia: The Brookings Institution, 1996), 50.

[83] Philip Oxhorn, *Organizing Civil Society: The Popular Sectors and the Struggle for Democracy in Chile* (University Park: The Pennsylvania State University Press, 1995), 68.

Pinochet but of an economic team trained in the United States. These men studied business at the University of Chicago, under the tutelage of Milton Friedman, and became known as the Chicago Boys.[84] In state enterprises the military had high prerogatives but chose not to exercise them as the military knew it did not have the expertise in the economic arena. This allowed Chile to capitalize on its principal competitive advantage of the country's vast quantities of natural resources, for which there is a high level of international demand.[85]

Chile enjoys a free market economy today and has one of the strongest economies in Latin America. The military still does receive ten percent of the copper profits by law and the copper industry is still owned by the state. The only industry controlled by the military is defense manufacturing. During the Pinochet regime, defense

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[84] Manuel A. Garreton, "The Political Evolution of the Chilean Military Regime and Problems in the Transition to Democracy," in *Transitions from Authoritarian Rule Latin America*, ed. Guillermo O'Donnell, Philippe C. Schmitter, and Laurence Whitehead (Baltimore, Maryland: The Johns Hopkins University Press, 1986), 100.

[85] Javier Martinez and Alvaro Diaz, *Chile the Great Transformation*, (Harrisonburg, Virginia: The Brookings Institution, 1996), 50.

production was limited to the maintenance and overhaul of systems purchased on the international market.[86]

There are three military-run companies that provide service and support for the armed forces. The Chilean army manufacturer (FAMAE), aircraft manufacturer (ENAER), and the naval manufacturer (ASMAR). Interestingly, in an economy led by the private sector, control of defense manufacturers remains in the hands of the military - albeit one that respects market forces.[87] The Chilean military defense sector has been profitable because, unlike other countries in the region, they have focused on small scale production to accomplish their mission of supporting foreign bought hardware.

In summary, the military prerogative in state enterprises has moved from high to moderate between 1988 and 1998. The free market economy has allowed most enterprises to be run by corporate professionals, with the exception of defense manufacturing.

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[86] Patrice Franko, "Defense Production in Argentina, Brazil and Chile: A Comparative Perspective," *Defense Analysis* 12, no. 3 (1996): 322.

[87] Patrice Franko, "Defense Production in Argentina, Brazil and Chile: A Comparative Perspective," *Defense Analysis* 12, no. 3 (1996): 323.

K. ROLE IN LEGAL SYSTEM

Civilians and military personnel are subject to civil laws and civil courts in a democracy with low military prerogatives. The military would have almost no legal jurisdiction outside of narrowly defined internal offenses against military discipline. If the military prerogatives are high, national security laws and the military court system would cover large areas of political and civil society. The domain where military members could be tried in civil courts would be very narrow.[88]

General Pinochet was able to manipulate the legal system by granting amnesty to the officers of his regime for the alleged crimes committed during the initial years of military control. Decree Law 2191 was put into effect on 19 April 1978.[89] The decree granted amnesty to all politically connected crimes involving the military since the overthrow of the Allende government. The goal of the measure was to instill national reconciliation. As results in Chile and elsewhere suggest, prosecuting officers for human rights violations is arguably where civilian

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[88] Alfred Stepan, *Rethinking Military Politics Brazil and the Southern Cone* (Princeton, New Jersey: Princeton University Press, 1988), 97.

[89] Pamela Constable and Arturo Valenzuela, *A Nation of Enemies: Chile Under Pinochet* (New York: W.W. Norton and Company, 1991), 129.

politicians have met with the least success.[90] Both the Aylwin and Frei governments have attempted, with little success, to bring to justice those officers responsible for crimes committed during the military regime.

The first official action taken by the government into human rights violations was in 1991 during the Aylwin administration. An eight member Commission on Truth and Reconciliation was headed by Raul Rettig, a centrist Radical lawyer and former senator. The commission included not only human rights activists and sympathizers but respected conservative jurists and educators as well, two of whom had been members of the Pinochet government in the 1970s.[91] The Rettig Commission report was strong on words but did little to bring to justice those responsible for the atrocities. The judiciary and especially the Supreme Court (almost all members are still Pinochet appointees) are a serious impediment to investigations regarding human rights abuses.[92] In response to the Rettig Commission report the

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[90] Wendy Hunter, "Civil-Military Relations in Argentina, Chile, and Peru," *Political Science Quarterly* (Fall 1997): 460.

[91] Sigmund, 190.

[92] Alicia Frohman, "Chile: External Actors and the Transition to Democracy," in *Beyond Sovereignty Collectively Defending Democracy in the Americas*, ed. Tom Farer (Baltimore, Maryland: The Johns Hcpkins University Press, 1996), 246.

Supreme Court ruled in August 1990 that Decree Law 2191, the amnesty law, was constitutional.[93]

During the final months of his regime, General Pinochet was able to appoint nine new judges (of the sixteen total) to the Supreme Court for life terms. He was able to do this by offering generous retirement benefits to the older judges, which opened positions on the court for his appointees.[94] The full accounting of the past acts may never come to light, but the door has not been fully closed.

General Pinochet was highly critical of the Rettig Commission. He believed it was an attempt to demean the military. In an interview, General Pinochet stated, "Proof of it was the date established by the Rettig Commission to start its investigative work. That is, it was not necessary to investigate violent actions prior to 1973. It was not necessary to investigate the training and equipping of paramilitary Marxist forces which promoted an armed

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[93] David Pion-Berlin, *Through Corridors of Power: Institutions and Civil Military Relations in Argentina* (University Park: The Pennsylvania State University, 1997), 202.

[94] Pamela Constable and Arturo Valenzuela, *A Nation of Enemies: Chile Under Pinochet* (New York: W.W. Norton and Company, 1991), 318.

revolution and which had to be combated by the Armed Forces."[95]

On 30 May 1995, the Supreme Court convicted retired General Manuel Contreras, former chief of Chile's secret police, and second in command, General Pedro Espinosa, for ordering the 1976 assassination of Orlando Letelier, foreign minister under the Allende government. This was a significant achievement.[96] It took almost twenty years after the assassination to achieve a conviction, but the former officers were brought to justice. General Contreras was not able to use the military amnesty for the assassination of Letelier in his defense because the amnesty only applied to actions in Chile. Orlando Letelier was assassinated in Washington.

The military still retains moderate prerogatives in the legal system. The judicial system has been strained by the amnesty given to the military and Carabineros during the authoritarian regime.

The detention of General Pinochet in London, since 16 October 1998, at the request of Spain, is a sign that the

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[95] "Pinochet Reviews 1995, Looks Ahead" in *La Tercera De La Hora*, 31 Dec 1995 [database on-line]; available from FBIS.

[96] Wendy Hunter, "Civil-Military Relations in Argentina, Chile, and Peru," *Political Science Quarterly* (Fall 1997): 461.

international community is not as complacent about the violations of human rights that occurred during Pinochet's regime. The Spanish government is requesting the extradition of General Pinochet to Spain because of the deaths of Spanish citizens in Chile during his dictatorship. The government of Spain is also seeking justice for the Chilean citizens who also died.[97]

A lawyer for General Pinochet claimed that his arrest and detention in London threatened to destroy the delicate balance between the interests of justice and state stability and that Chile had made its peace with its former dictator.[98] The delicate balance of state stability may come under increasing judicial review. Other members of the military are worried that Baltasar Garzon, the Spanish judge handling Pinochet's case, may ask for their extradition in connection with human rights abuses. A list of secret police (DINA) was reportedly given to Garzon, prompting some Chilean Army officers to express concern that the Army might be tried as a whole.[99] The outcome of the General Pinochet

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[97] *New York Times* (New York), 9 November 1998.

[98] *New York Times* (New York), 10 November 1998.

[99] *Global Intelligence Update*, "Possible Security Forces Meeting a Threat to Chilean Stability," [database on-line] (23 Nov 1998) available from http://www.stratfor.com; Internet.

extradition to Spain may signal a significant change for the Chilean military in the legal system. It is possible that the recent events might renew the call for justice against the atrocities committed by the military during the military regime. However, President Frei would have to amend the constitution in order to repeal the amnesty law. To repeal the law would require a two-thirds majority vote in both houses of Congress, which is difficult to obtain in a legislature with a strong right wing.[100] The amnesty law that now protects the military from the past could be repealed in the future.

In summary, the military prerogative in the legal system has moved from high in 1988 to moderate in 1998. The amnesty law in effect is an impediment to the judicial process, but the incarceration of General Contreras and the arrest of General Pinochet show the long term resolve of the Chilean people.

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[100] Joaquin Fermandois and Michael Morris, *Democracy in Chile: Transition and Consolidation 1987-2000* (London: Research Institute for the Study of Conflict and Terrorism, 1995), 11.

III. CONCLUSION

> **Don't forget that in the history of the world, there was a plebiscite, in which Christ and Barabbas were being judged, and the people chose Barabbas.**
>
> **General Pinochet, October 25, 1988**[101]

Military prerogatives remain moderate to high in Chile but each democratically elected government has been able to lower the influence of the military in the political system. While some vestiges of the Pinochet regime remain in the government, there is evidence of greater civilian control over the military.

Table 2 shows the changing character of the Chilean military prerogatives from 1988 to 1998. The military no longer has as many high prerogatives as it had during the authoritarian regime of Pinochet. However, the Chilean military still retains many prerogatives that prevent the full consolidation of democracy.

During the authoritarian regime, the military had high prerogatives in all eleven areas evaluated. Today, the military has high prerogatives in only four areas. In seven of the eleven areas the military now has moderate prerogatives. In these seven areas, the civilian government and the armed forces both have influence. Since the

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101 *La Epoca* (Santiago), 26 October 1988.

transition to democracy in 1990 the elected officials have made progress.

Table 2. Military Prerogatives in Chile, 1988 and 1998

Prerogative	1988	1998
Constitutionally sanctioned independent role of the military in political system	High	High
Military Relationship to chief executive	High	Moderate
Coordination of defense sector	High	Moderate
Active-duty military participation in Cabinet	High	High
Role of Legislature	High	High
Role of senior career civil servants or civilian political appointees	High	Moderate
Role in intelligence	High	Moderate
Role in police	High	Moderate
Role in military promotions	High	High
Role in state enterprises	High	Moderate
Role in Legal System	High	Moderate

Source: Author, based on Alfred Stepan, *Rethinking Military Politics Brazil and the Southern Cone* (Princeton: Princeton University Press, 1988), 94-97.

The high prerogatives of the military in the areas that are sanctioned by the constitution are of greatest concern. These prerogatives include the clause of nonremovability of service chiefs by the chief executive and the lack of

civilian control over the military budget. These two areas are troublesome because the difficult process of constitutional change is required to lower the military prerogative. This leads to the conclusion that while Chile has made progress in the last ten years, considerable legislative work will be required to fully consolidate democracy.

General Pinochet's retirement from the military in March of 1998 marked a significant development. For more than twenty-five years Pinochet remained the commander of the armed forces. At his elaborate retirement ceremony, General Pinochet stated, "It was obvious that Chile was headed for self-destruction, so the armed forces took over to defend our country's integrity. A careful study of that period would conclude that the military had to act or else the country would have failed. We have now completed our mission."[102] As a senator for life, Pinochet remains a political force but the end of an era came to pass with his military retirement.

Political analysts view Pinochet's departure from the military as a necessary step toward consolidating democracy

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[102] *New York Times* (New York), 11 March 1998.

in Chile.[103] However, the retirement of General Pinochet is not the end of the military influence in Chilean politics.

Pinochet's arrest in London has caused concern in Chile about the stability of democracy. "This is the most delicate moment we have experienced in the democratic transition," said Andre Zaldivar, president of the Senate and a Christian Democratic candidate for president. "I'm not afraid of a coup or an interruption of democracy, but I see the possibility of the country entering into a period of serious tensions, polarization and constant demonstrations."[104]

The Chilean people are sharply divided on the issue of Pinochet's detention in London. President Eduardo Frei, concerned about the discord since General Pinochet's arrest, said the arrest "shows that our reconciliation is incomplete and we must work hard to strengthen that process in the future."[105] General Pinochet has been accused by the Spanish government for the deaths and disappearance of more than three thousand people.

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[103] *New York Times* (New York), 11 March 1998.

[104] *New York Times* (New York), 24 October 1998.

[105] *New York Times* (New York), 22 November 1998.

Chile's ambassador to London, Mario Artaza, said, "We are not here to protect our dictator of yesterday, we are here to protect and defend our transition to democracy."[106] The Chilean government contends that General Pinochet was traveling on a diplomatic passport and as a former head of state he is immune from prosecution. The current fate of General Pinochet is in the hands of the British, but his legacy continues in Chile.

In many Latin American nations, officers still perceive themselves as serving "el estado" (the state) or "la patria" (the country) rather than the government or the population. If the government fails in its mission to serve "el estado", then the military has the obligation to judge and correct the situation. These attitudes were formed in the nineteenth century and are likely to survive for some time.[107] General Pinochet fostered these notions within the framework of his right to overthrow the government. Only time and diligence by the duly elected civilians will help to overcome these attitudes.

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106 *New York Times* (New York), 27 November 1998.

107 Richard L. Millett, "The Future of Latin America's Armed Forces" in *Beyond Praetorianism: The Latin American Military in Transition*, ed. Richard L. Millett and Michael Gold Bliss (Miami: North-South Center Press, 1996), 295.

So far, governance under the new democracy has militated in favor of a gradual yet irreversible reduction of military power. Low inflation, economic prosperity, diminishing poverty, social stability, and repeated demonstrations of electoral support for mainstream politicians have marked Chile's new democracy.[108] However, three legacies remain from the troubled times before and after the coup: (1) the legacy of fear; (2) the legacy of domestic politics; and (3) the legacy of international relations.[109]

The turbulent 1970s remain ingrained in the minds of the Chilean people. From the chaos of the Allende government to the human rights abuses of the Pinochet regime, an air of apprehension lingers from the past. Segments of Chilean society felt threatened by the socialist government and supported the Pinochet regime.[110] The legacy of the constitution crafted by the military, who also

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[108] Wendy Hunter, "Civil-Military Relations in Argentina, Chile, and Peru," *Political Science Quarterly* (Fall 1997): 462.

[109] Lois Hect Oppenheim, *Politics in Chile: Democracy, Authoritarianism, and the Search for Development* (Boulder: Westview Press, 1993), 208.

[110] Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation,* (Baltimore: The Johns Hopkins University Press, 1996), 224.

granted themselves immunity for their misdeeds, still is the framework by which domestic politics are guided.

Future presidents of Chile also need to remember the nature of coalition politics after being elected to the presidency. The president must constantly work on forming coalitions to pass legislation. If not, the government will be embroiled in party competition and will undermine the ruling party's appeal.[111]

With time and continued strong civilian leadership, democracy may well become fully consolidated in Chile. Despite seventeen years of repression under Pinochet's authoritarian rule, and the significant changes in social, political, and economic life, the party system that reappeared in the 1980s displayed fundamental continuities with the one that preceded it.[112] The future of democracy and the Chilean party system as an institution are encouraging.

In the words of Arturo Valenzuela, "In overcoming the wrenching crisis of the recent past by turning to their country's historical democratic traditions, Chileans have set the foundation for a promising future as a democratic

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[111] Cesar N. Caviedes, *Elections in Chile: The Road toward Redemocratization* (Boulder: Lynne Rienner Publishers, 1991), 5.

[112] Mainwaring and Scully, 18.

nation."[113] In the future, the grip of the military will have less of an influence on the democracy as General Pinochet fades from the political scene.

In the years to come, the potential exists for constitutional reform that will diminish the influence of the military. This could be done by reform of the binomial electoral system. It will require the building of a coalition to mandate the needed changes to the constitution. That is, when the last authoritarian enclave is finally displaced, Chile will on that same day complete its transition and fully consolidate democracy.[114] The consolidation of democracy will herald a time of lower military prerogatives in Chile.

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[113] Arturo Valenzuela, "Chile: Origins and Consolidation of a Latin American Democracy", 112.

[114] Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation*, (Baltimore: The Johns Hopkins University Press, 1996), 212.

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